## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )					
	Plaintiff,	) 8:10CR258 )			
	vs.	) ) DETENTION ORDER			
VIF	VIRGILIO GOMEZ-VICENTE,				
	Defendant.	<b>,</b>			
A.	Order For Detention After waiving a detention hearing pursuant Act on July 26, 2010, the Court orders the act to 18 U.S.C. § 3142(e) and (i).				
B.	The Court orders the defendant's detention  X By a preponderance of the evide conditions will reasonably assure the	because it finds: nce that no condition or combination of appearance of the defendant as required. t no condition or combination of conditions			
C.	C. Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:  X (1) Nature and circumstances of the offense charged:  X (a) The crime: false representation of a Social Security number (Count I) in violation of 42 U.S.C. § 408(a)(7)(B) carries a maximum sentence of five years imprisonment; use of false immigration documents (Count II) in violation of 18 U.S.C. § 1546(a) carries a maximum sentence of five years imprisonment; and having previously been deported from the United States, being found in the District of Nebraska after having re-entered the United States without the consent of the Attorney General or his successor (Count III) in violation of 8 U.S.C. § 1326(a) and subject to two years imprisonment under 8 U.S.C. § 1326(b).  (b) The offense is a crime of violence.  (c) The offense involves a large amount of controlled substances, to with the consent of the evidence against the defendant is high.  X (3) The history and characteristics of the defendant including:  (a) General Factors:  The defendant appears to have a mental condition which may affect whether the defendant will appear.  The defendant has no steady employment.  X The defendant has no substantial financial resources.  X The defendant is not a long time resident of the community.  The defendant does not have any significant community ties.  X Past conduct of the defendant: use of an alias name.  The defendant has a history relating to drug abuse.				

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		The defendant has a history relating to alcohol abuse.
		The defendant has a significant prior criminal record.
		The defendant has a prior record of failure to appear at
		court proceedings.
(b)	At the ti	me of the current arrest, the defendant was on:
		Probation
		Parole
		Release pending trial, sentence, appeal or completion of
		sentence.
(c) Other Factors:		actors:
` ,	Χ	The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
	Χ	The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal.
		Other:

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 26, 2010.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge